

Patrick J. Cerillo, Esq.
Patrick J. Cerillo, LLC
4 Walter Foran Blvd., Suite 402
Flemington, NJ 08822
T: (908) 284-0997
F: (908) 284-0915
pjcerillolaw@comcast.net
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN DOE subscriber assigned IP
address 74.102.30.34,

Defendant.

Civil Case No. 2:13-cv-01179-FSH-
MAH

**PLAINTIFF'S SECOND MOTION FOR EXTENSION OF TIME WITHIN
WHICH IT HAS TO SERVE DEFENDANT WITH A SUMMONS AND
COMPLAINT**

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC, moves for entry of an order extending the time within which Plaintiff has to serve Defendant with a Summons and Complaint, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant's true identity is known by their Internet service provider ("ISP").

2. On March 12, 2013, Plaintiff was granted leave to serve a third party subpoena on Defendant's ISP, Verizon Internet Services, to obtain the Defendant's identifying information [CM/ECF 6]. Plaintiff issued the subpoena on or about April 11, 2013, and received the ISP's response on June 7, 2013.

3. Per the Court's April 23, 2013 Order, prior to Plaintiff substituting the John Doe Defendant with the proper name of the Defendant, Plaintiff must "ensure that it has a factual basis for the assertion that such defendant engaged in the alleged acts."

4. Plaintiff's forensic investigator, IPP Limited, has identified Defendant's IP address as infringing on 16 of Plaintiff's copyrighted works from December 5, 2012 to February 6, 2013. Further, as set forth on Exhibit C to Plaintiff's Complaint, Defendant's IP address habitually uses BitTorrent to infringe large amounts of content.

5. On July 29, 2013, Plaintiff mailed a letter to Defendant apprising Defendant of the instant case and requesting that he send any exculpatory evidence which would prove that he is not the actual infringer. Plaintiff requested that Defendant respond with his exculpatory evidence within 10 days, or by August 8,

2013. Should Defendant fail to contact undersigned or respond to the letter, Plaintiff intends to name the subscriber which was identified by the ISP.

6. Pursuant to this Court's order dated July 23, 2013, Plaintiff was required to effectuate service on Defendant by no later than last Saturday, July 27, 2013.

7. Procedurally, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended by thirty (30) days, or until August 26, 2013.

WHEREFORE, Plaintiff respectfully requests that the time within which it must serve the Defendant with a summons and Complaint be extended until August 26, 2013. A proposed order is attached for the Court's convenience.

DATED this 29th day of July, 2013

Respectfully submitted,

By: /s/Patrick Cerillo

CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2013. I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/Patrick Cerillo